

## **EXHIBIT C**

### **CONDITIONS**

#### **CERTIFICATE OF COMPLETION FOR ASSESSORS PARCEL NO. 011-030-139**

- Condition 1. During the 2005 construction season, Thomas and Mary Fogarty Revocable Trust (Trust) shall retain a consultant to inspect and sample the portion of Dead Horse Slough, bounded by Assessors Parcel No. 011-030-139, to determine if the hazardous materials described in the Final Remedial Action Plan for the Humboldt Road Private Properties Operational Unit were discharged onto Assessors Parcel No. 011-030-139 from upstream Assessors Parcel Nos. 11-3-16 and 11-3-112 (current known as Assessors Parcel Nos. 011-030-016 and 011-030-138) during the previous winter season. If the inspection and sampling discovers hazardous materials exceeding the Final Remedial Action Goals on Assessors Parcel No. 011-030-139, then the Trust shall notify the Regional Board and shall immediately clean up and dispose of the waste in the consolidation cell described in Waste Discharge Requirements Order No. R5-2004-0089.
- Condition 2. The Regional Board anticipates that Assessors Parcel Nos. 011-030-016 and 011-030-138 will be cleaned up during the 2005 construction season. However, if remedial activities are not completed, the Trust shall retain a consultant to continue the inspections and sampling of Dead Horse Slough described in Condition 1 until a Certificate of Completion has been issued for Assessors Parcel Nos. 011-030-016 and 011-030-138. If the inspection and sampling discovers hazardous materials on Assessors Parcel No. 011-030-139 exceeding the Remedial Action Goals described in the Final Remedial Action Plan for the Humboldt Road Private Properties Operational Unit, then the Trust shall notify the Regional Board and shall clean up and dispose of this waste in accordance with state and local laws and regulations.
- Condition 3. The Regional Board anticipates that all Humboldt Road Burn Dump parcels described in Resolution No. 97-17 and/or Regional Board Cleanup and Abatement Order No. R5-2003-0707 will be remediated before construction of residential or commercial buildings on Assessors Parcel No. 011-030-139. The Trust shall immediately contact the Regional Board to determine additional risk assessment and mitigation requirements, prior to construction of residential or commercial buildings, if remedial activities have not been completed on all Humboldt Road Burn Dump parcels. Construction of residential or commercial buildings shall comply with all mitigation requirements. No additional risk assessment would be needed for construction activities other than the construction of residential or commercial buildings. This condition does not prohibit development on Assessors Parcel No. 011-030-139.